

Subject Matter: #0-24-15 Amendment of the Villages at LaFayette Park Development Agreement

Dates of Advertising in *Fayette County News*: August 19 & September 30, 2015

Date First Presented at Council Public Meeting: September 3, 2015

Date of Public Hearing: September 3, 2015

Date of Second Reading and Adoption: October 15, 2015

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

**ORDINANCE NUMBER #0-24-15
(as enacted)
CITY OF FAYETTEVILLE, GEORGIA**

PREAMBLE AND FINDINGS OF FACT

The City of Fayetteville has received application for a zoning amendment by BARODI, LLC for property described in Exhibit “A” attached hereto. Said parcel of property is within the city limits of the City of Fayetteville. The described property is presently zoned PCD – Ordinance #0-11-00 and amended Ordinance #0-10-11 pursuant to the City of Fayetteville’s Comprehensive Zoning Ordinance. The City has given notice to the public of this proposed zoning amendment as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

ORDINANCE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE ONE

The zoning classification of the property described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as, **PCD** (“Planned Community District”) as a part of PCD #0-11-00 and amended #0-10-11 pursuant to the City of Fayetteville’s Comprehensive Zoning Ordinance, for development of a planned upscale apartment community.

The development agreement describing certain terms of the development of the PCD Ordinance #0-10-11 shall be amended by adding Paragraph 22 of Section 3 (General PCD Requirements) to address specific fire department requirements, and its related development standards as outlined in Exhibit “B”, attached hereto and a part of this Ordinance, and shall be a part of the original PCD # 0-11-00 zoning upon the subject

property. The applicant (and its successors and assigns) and the Owners of the properties within PCD #0-11-00 shall comply with the covenants, warranties, duties, and obligations under PCD #0-11-00 as amended by this ordinance, and the same shall be a continuing condition to the continuing PCD zoning upon the subject property as described at **Exhibit “A”**. The remaining portions of PCD Ordinance #0-11-00 and the development plan and development agreement, not superseded by this Ordinance, shall remain in full force and effect and binding on all owners and subsequent owners of subject property.

ARTICLE TWO

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE THREE

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE FOUR

This ordinance shall become immediately effective upon its adoption and shall include the following conditions:

1. Certificates of Occupancy shall not be issued on properties affected by this amendment until items a), b), and c) of **Exhibit “B”** are certified as complete by the Fire Chief or designee.
2. If applicable, Certificates of Occupancy will not be issued beyond November 1, 2018 until item d) of **Exhibit “B”** is certified as complete.

{Signatures Appear on the Following Page}

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 15th day of October, 2015, by the following voting for adoption:

ATTEST:

Gregory C. Clifton, Mayor

Edward Johnson, Mayor Pro Tem

Anne Barksdale, City Clerk

Mickey Edwards, Council Member

Paul C. Oddo, Jr., Council Member

Scott Stacy, Council Member

James B. Williams, Council Member

EXHIBIT “A”

Legal Description of The Villages at Lafayette Square

EXHIBIT “B”

Amended Text to Development Agreement

22. In regard to fire protection requirements, single-family residences permitted on or after October 15, 2015, shall comply solely with the requirements of the State of Georgia Minimum Fire Safety Standards as established by the Official Code of Georgia Annotated (O.C.G.A.) Section 25-2-4 and are hereby exempt from the applicable requirements of NFPA 1141 (1998 edition), based upon the following conditions:
- a) Fire Lanes shall be established to provide unimpeded access for emergency vehicles through the entire development. Fire Lanes shall be designated through signage and curb markings as approved by the Fire Chief or designee.
 - b) No parking shall be permitted within 30 feet of any intersection – the area within 30 feet of the intersection shall be designated as a Fire Lane. Fire Lanes shall be designated through signage and curb markings as approved by the Fire Chief or designee.
 - c) The applicant shall complete required modifications to the two curbs identified by the Fire Department as impeding emergency vehicle access.
 - d) The tree canopy throughout the development shall be established and maintained at a minimum of 14 feet above the roadway. The existing canopy may be modified according to a phased-in schedule to be completed by November 1, 2018. The applicant shall coordinate with the Fire Chief or designee to prioritize this project.